

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MILGARD MANUFACTURING, INC.,

Plaintiff,

v.

LIBERTY MUTUAL INSURANCE
COMPANY,

Defendant.

CASE NO. C13-6024 BHS

ORDER GRANTING
DEFENDANT'S MOTION TO
CONTINUE TRIAL DATE

This matter comes before the Court on Liberty Mutual Insurance Company's ("Liberty") motion to continue the trial date (Dkt. 240). Liberty requests a ninety-day continuance of the June 2, 2015 trial date. *Id.* at 1. Plaintiff Milgard Manufacturing, Inc. ("Milgard") opposes any continuance, arguing that it will incur increased costs and fees. Dkt. 244 at 8.

Federal Rule of Civil Procedure 16(b) provides that "[a] schedule may be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). Although the Court may consider prejudice to the opposing party, the focus of its inquiry is upon

1 the moving party's reasons for seeking modification. *Johnson v. Mammoth Recreations,*
2 *Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The Court has broad discretion in deciding
3 whether to grant or deny a request for a continuance. *Danjaq LLC v. Sony Corp.*, 263
4 F.3d 942, 961 (9th Cir. 2001).

5 Here, the Court finds that Liberty has demonstrated good cause to continue the
6 trial date. Liberty recently substituted its trial counsel in response to Milgard's
7 objections. Dkt. 241, Declaration of Matthew Adams ¶ 3, Ex. 1. Additionally, Liberty's
8 primary claims adjuster, Colleen Lyons ("Ms. Lyons"), will be unavailable to attend trial
9 in June due to medical reasons. Dkt. 242, Declaration of Ray Cox ¶¶ 2–3. Ms. Lyons is
10 one of Liberty's principal witnesses. *Id.* ¶ 2. Finally, Milgard has not established any
11 actual prejudice that would result from a continuance.

12 Therefore, it is hereby **ORDERED** that Liberty's motion to continue the trial date
13 (Dkt. 240) is **GRANTED**. The trial date is continued to September 8, 2015. The Clerk
14 shall issue an abbreviated scheduling order in accordance with this date.

15 Dated this 24th day of April, 2015.

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18 BENJAMIN H. SETTLE
19 United States District Judge
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